

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Charlottesville Division**

ELIZABETH SINES, SETH WISPELWEY,  
MARISSA BLAIR, TYLER MAGILL, APRIL  
MUNIZ, HANNAH PEARCE, MARCUS  
MARTIN, NATALIE ROMERO, CHELSEA  
ALVARADO, and JOHN DOE,

Plaintiffs,

v.

JASON KESSLER, RICHARD SPENCER,  
CHRISTOPHER CANTWELL, JAMES  
ALEX FIELDS, JR., VANGUARD  
AMERICA, ANDREW ANGLIN,  
MOONBASE HOLDINGS, LLC, ROBERT  
“AZZMADOR” RAY, NATHAN DAMIGO,  
ELLIOT KLINE a/k/a/ ELI MOSELY,  
IDENTITY EVROPA, MATTHEW  
HEIMBACH, MATTHEW PARROTT a/k/a  
DAVID MATTHEW PARROTT,  
TRADITIONALIST WORKER PARTY,  
MICHAEL HILL, MICHAEL TUBBS,  
LEAGUE OF THE SOUTH, JEFF SCHOEP,  
NATIONAL SOCIALIST MOVEMENT,  
NATIONALIST FRONT, AUGUSTUS SOL  
INVICTUS, FRATERNAL ORDER OF THE  
ALT-KNIGHTS, MICHAEL “ENOC”  
PEINOVICH, LOYAL WHITE KNIGHTS OF  
THE KU KLUX KLAN, and EAST COAST  
KNIGHTS OF THE KU KLUX KLAN a/k/a  
EAST COAST KNIGHTS OF THE TRUE  
INVISIBLE EMPIRE,

Defendants.

**Civil Action No. 3:17-cv-00072-NKM**

**REPORT OF THE PLAINTIFFS PURSUANT TO RULE 26(f) AND REQUEST FOR AN ORDER  
CONCERNING THE TIMING FOR SERVICE OF DEFENDANT SPENCER’S INITIAL  
DISCLOSURES**

Pursuant to Rule 26(f) of the Federal Rules of Civil Procedure, Plaintiffs submit this report of their attempt to confer with Defendant Spencer by mail.

1. On February 1, 2018, Plaintiffs transmitted a letter to Defendant Spencer's notice address<sup>1</sup> enclosing the Court's Pretrial Order, ECF No. 101; the Joint Report of the Parties Pursuant to Rule 26(f) (the "Rule 26(f) Report"), ECF No. 135; the Order of the Production of Documents and Exchange of Confidential Information (the "Confidentiality Order"), ECF No. 167; and an Agreement to Respect Confidential Information providing for an assent to the terms of the Confidentiality Order. A copy of that letter and its enclosures are attached as Exhibit A.

2. The letter proposed that, as between Plaintiffs and Defendant Spencer, the Rule 26(f) Report would apply, except for two modifications:

- a. Because confidentiality is already governed by the Court's Protective Order, ECF No. 167, paragraph 3 of the Rule 26(f) Report is moot.
- b. The deadline for Plaintiffs and Defendant Spencer to exchange Rule 26(a)(1) disclosures (paragraph 1 of the Rule 26(f) Report) shall be February 15, 2018. However, in no events would Plaintiffs transmit their Rule 26(a)(1) disclosures before Defendant Spencer signs the Agreement to Respect Confidential Information.

3. The letter requested that Defendant Spencer let Plaintiffs know by February 9, 2018 if he objects to the Rule 26(f) Report, as modified by Plaintiffs' letter, or the

---

<sup>1</sup> In an abundance of caution, Plaintiffs also sent the letter and its enclosures to the address identified by Defendant Spencer as his return address on his motion to dismiss served upon Plaintiffs on January 27, 2018.

Confidentiality Order. The letter also included contact information, including both email and phone, for counsel to Plaintiffs.

4. The letter further advised Defendant Spencer that, pursuant to Rule 26(f)(2), which requires a written report “within 14 days” after conferral, Plaintiffs would file a supplemental Rule 26(f) Report on February 15, 2018 memorializing this agreement unless he registered an objection.

5. As of this filing, Defendant Spencer has not responded to Plaintiffs’ letter in any way. Plaintiffs do not have an email address or phone number for Defendant Spencer, although Plaintiffs requested one in our letter.

WHEREFORE, Plaintiffs request that the Court enter the enclosed Proposed Order Concerning the Timing for Service of Defendant Spencer’s Initial Disclosures.

Dated: February 15, 2018

Respectfully submitted,

*s/ Robert T. Cahill*

Robert T. Cahill (VSB 38562)

COOLEY LLP

11951 Freedom Drive, 14th Floor

Reston, VA 20190-5656

Telephone: (703) 456-8000

Fax: (703) 456-8100

rcahill@cooley.com

Roberta A. Kaplan (*pro hac vice*)  
Julie E. Fink (*pro hac vice*)  
Christopher B. Greene (*pro hac vice*)  
Seguin L. Strohmeier (*pro hac vice*)  
KAPLAN & COMPANY, LLP  
350 Fifth Avenue, Suite 7110  
New York, NY 10118  
Telephone: (212) 763-0883  
rkaplan@kaplanandcompany.com  
jfink@kaplanandcompany.com  
cgreene@kaplanandcompany.com  
sstrohmeier@kaplanandcompany.com

Karen L. Dunn (*pro hac vice*)  
William A. Isaacson (*pro hac vice*)  
BOIES SCHILLER FLEXNER LLP  
1401 New York Ave, NW  
Washington, DC 20005  
Telephone: (202) 237-2727  
Fax: (202) 237-6131  
kdunn@bsfllp.com  
wisaacson@bsfllp.com

Philip M. Bowman (*pro hac vice*)  
Yotam Barkai (*pro hac vice*)  
Joshua J. Libling (*pro hac vice*)  
BOIES SCHILLER FLEXNER LLP  
575 Lexington Ave.  
New York, NY 10022  
Telephone: (212) 446-2300  
Fax: (212) 446-2350  
pbowman@bsfllp.com  
ybarkai@bsfllp.com  
jlibling@bsfllp.com

Alan Levine (*pro hac vice*)  
COOLEY LLP  
1114 Avenue of the Americas, 46th Floor  
New York, NY 10036  
Telephone: (212) 479-6260  
Fax: (212) 479-6275  
alevine@cooley.com

David E. Mills (*pro hac vice*)  
COOLEY LLP  
1299 Pennsylvania Avenue, NW  
Suite 700  
Washington, DC 20004  
Telephone: (202) 842-7800  
Fax: (202) 842-7899  
dmills@cooley.com

*Counsel for Plaintiffs*

### **CERTIFICATE OF SERVICE**

I hereby certify that on February 15, 2018, I filed the foregoing with the Clerk of Court through the CM/ECF system, which will send a notice of electronic filing to:

Justin Saunders Gravatt  
David L. Hauck  
David L. Campbell  
Duane, Hauck, Davis & Gravatt, P.C.  
100 West Franklin Street, Suite 100  
Richmond, VA 23220  
jgravatt@dhdglaw.com  
dhauck@dhdglaw.com  
dcampbell@dhdglaw.com

*Counsel for Defendant James A. Fields, Jr.*

Bryan Jones  
106 W. South St., Suite 211  
Charlottesville, VA 22902  
bryan@bjoneslegal.com

*Counsel for Defendants Michael Hill, Michael Tubbs, and League of the South*

Elmer Woodard  
5661 US Hwy 29  
Blairs, VA 24527  
isuecrooks@comcast.net

James E. Kolenich  
Kolenich Law Office  
9435 Waterstone Blvd. #140  
Cincinnati, OH 45249  
jek318@gmail.com

*Counsel for Defendants Jeff Schoep, Nationalist Front, National Socialist Movement, Matthew Parrott, Matthew Heimbach, Robert Ray, Traditionalist Worker Party, Elliot Kline, Jason Kessler, Vanguard America, Nathan Damigo, Identity Europa, Inc. (Identity Evropa), and Christopher Cantwell*

I further hereby certify that on February 15, 2018, I also served the following non-ECF participants, via U.S. mail, First Class and postage prepaid, addressed as follows:

Loyal White Knights of the Ku Klux Klan  
a/k/a Loyal White Knights Church of the  
Invisible Empire, Inc.  
c/o Chris and Amanda Barker  
P.O. Box 54  
Pelham, NC 27311

Richard Spencer  
1001-A King Street  
Alexandria, VA 22314  
-and-  
P.O. Box 1676  
Whitefish, MT 59937

Michael Peinovich  
a/k/a Michael "Enoch" Peinovich  
PO Box 1069  
Hopewell Junction, NY 12533

Moonbase Holdings, LLC  
c/o Andrew Anglin  
P.O. Box 208  
Worthington, OH 43085

Andrew Anglin  
P.O. Box 208  
Worthington, OH 43085

East Coast Knights of the Ku Klux Klan  
a/k/a East Coast Knights of the True  
Invisible Empire  
26 South Pine St.  
Red Lion, PA 17356

Fraternal Order of the Alt-Knights  
c/o Kyle Chapman  
52 Lycett Circle  
Daly City, CA 94015

Augustus Sol Invictus  
9823 4<sup>th</sup> Avenue  
Orlando, FL 32824

*s/ Robert T. Cahill*

Robert T. Cahill (VSB 38562)  
COOLEY LLP  
11951 Freedom Drive, 14th Floor  
Reston, VA 20190-5656  
Telephone: (703) 456-8000  
Fax: (703) 456-8100  
Email: rcahill@cooley.com

*Counsel for Plaintiffs*